

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-20  
AGENDA DATE: Thu 04/28/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0196 - Hyde Park North NCCD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded by 51<sup>st</sup> Street to the north, 45<sup>th</sup> Street to the south, Red River Street to the east and Guadalupe Street to the west (Waller Creek Watershed) from family residence (SF-3) district zoning, limited office (LO) district zoning, and general commercial services (CS) district zoning to single-family residence-standard lot-neighborhood conservation (SF-2-NCCD) combining district zoning, family residence-neighborhood conservation (SF-3-NCCD) combining district zoning, multi-family residence-medium density-neighborhood conservation (MF-3-NCCD) combining district zoning, and community commercial-neighborhood conservation (GR-NCCD) combining district zoning. A Conditional Overlay (CO) combining district or a Mixed Use (MU) combining district may also be added to these zoning base districts. Planning Commission Recommendation: The Commission will consider this request at their April 26, 2005 public hearing. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-04-0196

**P.C. DATE:** March 8, 2005  
March 22, 2005  
April 26, 2005  
**C.C. DATE:** April 28, 2005

**H.L.C. DATE:** Feb. 28, 2005

**ADDRESS:** Bounded by 45<sup>th</sup> Street to the South, Guadalupe Street to the West, 51<sup>st</sup> Street to the north and Red River Street to the east (Hyde Park North).

**AGENT:** City of Austin-NPZD (Glenn Rhoades)

**ZONING FROM:** NP

**TO:** NCCD

### SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the neighborhood conservation combining district (NCCD).

### PLANNING COMMISSION RECOMMENDATION:

March 8, 2005 – Postponed at the request of staff until March 22, 2005 (Vote: 7-0).

March 22, 2005 – Postponed at the request of Commission until April 26, 2005, in order to bring this application before the Neighborhood Planning sub-committee. The Committee met on April 13, 2005. Please see attached minutes from the meeting.

### ISSUES:

On January 31, 2001, the City Council approved a NCCD for the Hyde Park South neighborhood that is bounded by 45<sup>th</sup> Street to the North, Guadalupe Street to the West, Red River to the east and 38<sup>th</sup> Street to the South. This application proposes to complete the process of adding a NCCD to the Hyde Park area.

The City of Austin is initiating this NCCD on behalf of the Hyde Park Neighborhood Association (HPNA). The HPNA has done the work in bringing this application forward, including the proposed attached draft ordinance. The ordinance mirrors in language and form the NCCD that was approved for Hyde Park South. Staff has been reviewing the proposed ordinance and making comments along the way. Staff recommends the proposal as a whole. There are only couple of minor issues that have been noted by staff. The first is the property at 4500 Duval Street, which has been functioning as an auto repair business for a number of years. When looking at the allowable use chart in the proposed NCCD ordinance, it does not make any reference to auto repair as being an allowed use. If auto repair were to be excluded, the business could still operate. However, it would be considered legal non-conforming and staff does not as a rule zone property into non-compliance. In addition, according to the Future Land Use Map (FLUM), the property is recommended for mixed use. Staff would recommend adding the mixed use (MU) overlay to the existing general commercial services (CS) district zoning base district.

The second issue is with tracts 2, 3 and 4 as listed on page two of the draft ordinance. On tracts 2, 3 and 4, it is proposed to down zone the properties from commercial zoning to multifamily. The

neighborhoods reason for proposing this down zoning is because the properties are at this time are occupied with apartments. However, the FLUM recommends mixed uses for those properties. Staff recommends leaving the existing base districts and adding MU. Please see exhibit A showing the properties listed above.

The NCCD also proposes to down zone several properties from SF-3 to SF-2. Staff does not object to the proposed changes. As Council knows, the difference between SF-2 and SF-3 is that SF-3 would allow for a duplex on a lot that is 7,000 square feet or more. Because of the narrow horseshoe shaped access, denser development may not be desirable. In addition, HPNA has found that several of the properties are deed restricted from anything other than single-family use. Staff has been directed by Council to not rezone contrary to a deed restriction or a restrictive covenant.

The Planning Commission has directed the HPNA and the Smart Housing Department to come up with possible affordable housing options. Smart Housing and the neighborhood have had a constructive meeting and several ideas were discussed. However, a final proposal has not yet been formalized.

There are no properties within the NCCD that are proposed for Historic zoning. However, according to the Land Development Code section 25-2-374, if there is property that is designated Historic within the proposed boundaries of an NCCD it is required that the application be brought before the Historic Landmark Commission. There are four historic properties in the area described above and they are; The John Patterson House at 604 E. 47<sup>th</sup> Street, The Worley House at 802 E. 47<sup>th</sup> Street, The Pearce House at 809 W. 46<sup>th</sup> Street and Wells Larue House at 4524 Ave. F.

**AREA STUDY:** Hyde Park Neighborhood Plan

**TIA:** N/A

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Hyde Park Neighborhood Association

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO ROUTE	BICYCLE PLAN ROUTE
Guadalupe St.	70'	60'	Collector	Yes	IF	#47
Red River St.	56'	30'	Collector	No	#15	#51
W. 45 <sup>th</sup> St.	64'	40'	Arterial	Yes	#5	#32
E. 51 <sup>st</sup> St.	50'	30'	Arterial	Yes	N/A	#30
Duval Rd.	60'	40'	Collector	Yes	#7	#49
Speedway	Varies	Varies	Collector	No	#5/IF	#47
W. 47 <sup>th</sup> St.	56'	26'	Collector	No	N/A	#57

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS: 1st**

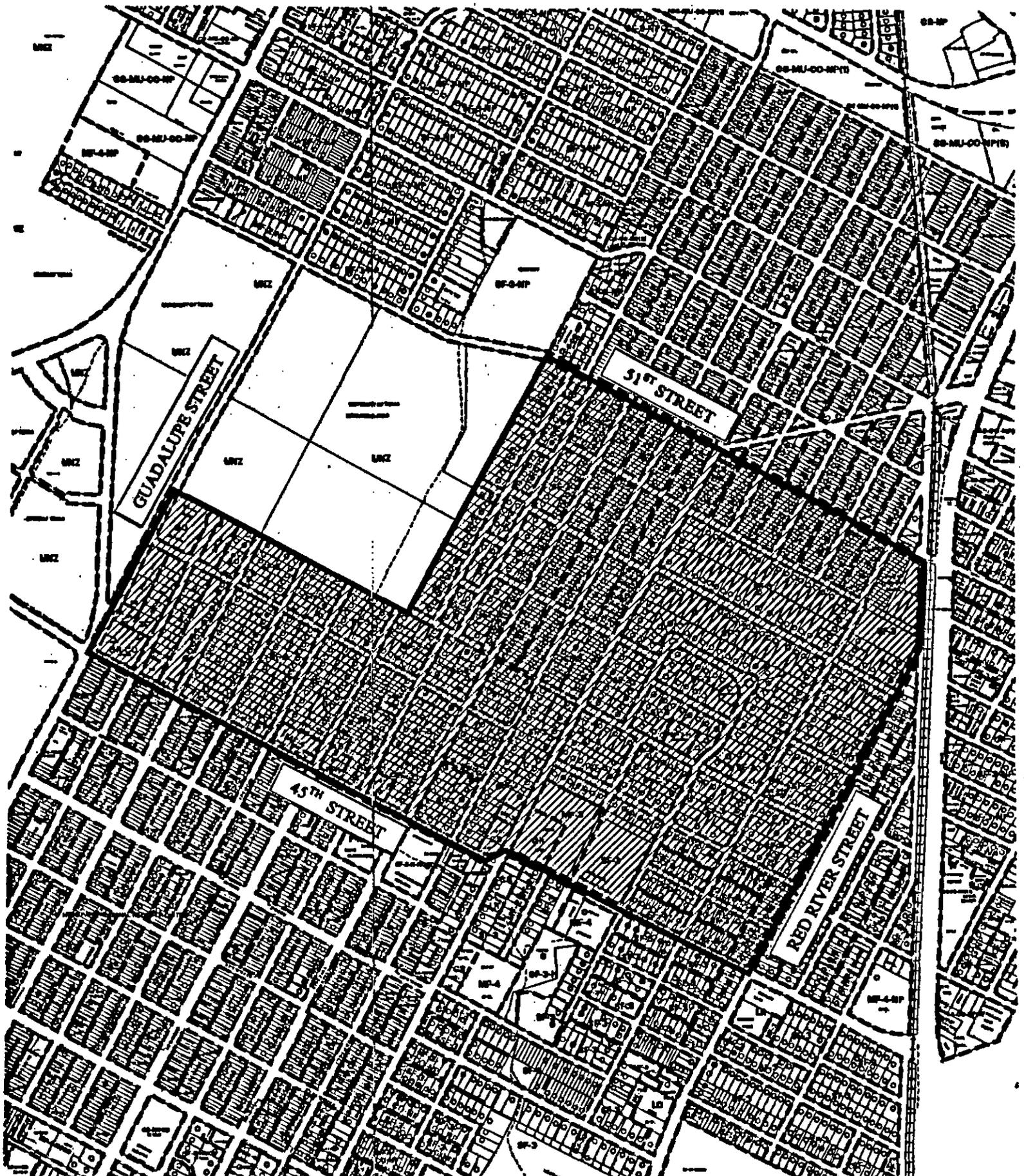
**2<sup>nd</sup>**

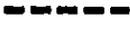
**3<sup>rd</sup>**

**ORDINANCE NUMBER:**

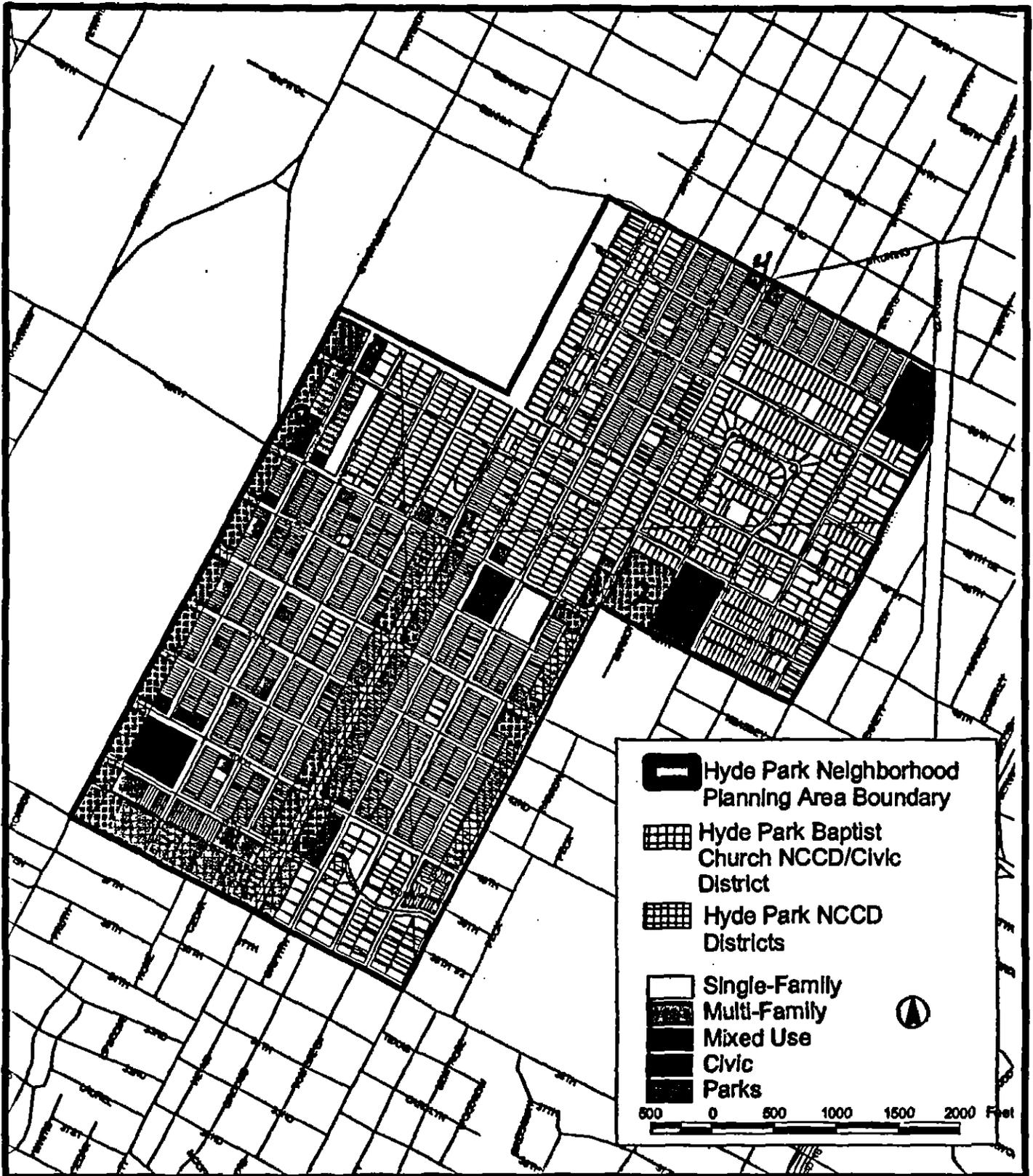
**CASE MANAGER: Glenn Rhoades**

**PHONE: 974-2775**



 1" = 800'	SUBJECT TRACT 	<b>ZONING</b>  DATE: 05-02  INTLS: SM	<b>CITY GRID REFERENCE NUMBER</b>  K26
	PENDING CASE 		
	ZONING BOUNDARY 		
	CASE MGR: G. RHOADES		
<b>CASE #: C14-04-0196</b>			
ADDRESS: HYDE PARK NCCD			
SUBJECT AREA (acres): N/A			

# Exhibit A



**Hyde Park Neighborhood Planning Area: Future Land Use Map**

- 1) 4510 Duval
- 2) 4505 Duval
- 3) 4539 - 4553 Guadalupe
- 4) 5012 - Duval

**City Planning Commission  
Neighborhood Planning Committee**

**Wednesday, April 13, 2005  
505 Barton Springs Road  
One Texas Center, Conference Room 500  
Austin, Texas**

**ANNOTATED AGENDA**

**Call to Order - 4:30pm**

**Neighborhood Planning Committee Members:**

(note: a quorum of the Planning Commission may be present at this meeting.)

**Cynthia Medlin  
Cid Galindo  
Jay Reddy**

**A. Meeting Called to Order**

**Introduce members of the Committee and Staff  
Inform audience of procedure**

**B. Regular Agenda**

**Discussion and Action**

1. Discuss proposed North Hyde Park Neighborhood Conservation Combining District

**STAFF DIRECTED TO FACILITATE MEETING WITH NEIGHBORHOOD TEAM  
AND PROPERTY OWNERS AND TO REPORT BACK TO THE COMMITTEE IN  
60 DAYS (6/8/05) (SEE ATTACHED MINUTES) (VOTE: 3-0)**

2. Discuss how down zonings affect the financial standings of a structure

**POSTPONED TO 3/11/05 COMMITTEE MEETING (VOTE: 3-0)**

**C. Other Business**

**Directives to Staff**

**For information about neighborhood planning, go to  
<http://www.ci.austin.tx.us/neighborhood/npzd.htm>**

**For information, contact Adam Smith, Neighborhood Planning and Zoning Department, 974-7685.**

**The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Ron Menard, Watershed Protection and Development Services Department, 974-2384 for information.**

## **MINUTES FROM THE 4/13/05 NEIGHBORHOOD PLANNING COMMITTEE MEETING**

### **I. Discuss proposed North Hyde Park Neighborhood Conservation Combining District.**

At the March 22, 2005, the Planning Commission directed the North Hyde Park NCCD to the Neighborhood Planning Committee to discuss four issues: 1) affordable housing; 2) Ridgetop annexation; 3) the four properties requesting mixed-use zoning; and, 4) the zoning of 4500 Duval Street.

Karen McGraw, Hyde Park resident, provided the Committee members a handout that included affordable housing-related recommendations from Stuart Hersh (Neighborhood Housing and Community Development) and neighborhood response. [Staff did not receive a copy of the handout, but will obtain one from Ms. McGraw]

Jerry McCuiston, property owner, argued that property values have already exceeded the ability to develop for-sale affordable housing.

Commissioner Galindo questioned whether there is any point in discussing affordable housing if in fact land values are too high. Staff will ask Stuart Hersh to comment.

Karen McGraw stated that it is very difficult to incorporate affordable housing in a built-out neighborhood, particularly when the neighbors can't control land values and taxes.

Glenn Rhoades, case manager of the North Hyde Park NCCD, reiterated Ms. McGraw's assessment that the Ridgetop area is largely built-out with little to no raw land available to construct affordable housing.

Commissioner Medlin asked whether the other issues had been resolved aside from affordable housing.

Karen McGraw responded that items #2 and #3 from her handout had been resolved.

Lynn Saarinen, non-resident property owner, brought up the issue of notification. She argued that property owners may not have received notification and therefore, not aware that the NCCD was being developed. Also, she contended that consensus may have been reached among the neighborhood team, but that there is not consensus among the property owners.

Glenn Rhoades explained that legal notification for filing of application, Planning Commission, and City Council was sent to property owners. However, the City did not send notification for the neighborhood meetings at which the NCCD was developed. He was informed by Karen McGraw that the Pecan Press (neighborhood newsletter), the

Hyde Park website, listserv, and neighborhood association meetings were used to notify people of those meetings.

Herb Jahnke, property owner, claimed that the property owners haven't had enough time to review and comment on the NCCD, that notification was inadequate, and asked whether a historical survey was conducted per the Land Development Code.

Karen McGraw responded by saying a survey was conducted to look at development patterns rather than historic homes.

A Hyde Park resident who worked in the development of the NCCD commented that there are currently four historic landmark properties in the North Hyde Park area and that the area between Duval/Red River/45<sup>th</sup> St/51<sup>st</sup> St. may qualify for a National Historic District.

Karen McGraw described the process thus far which involved conducting a survey, developing a draft NCCD, working with the Law Department for months on crafting the NCCD, modifying the NCCD based on new information, and now, relying on the City notification to hear back from property owners about any further modifications that need to be done.

Herb Jahnke stated he would need 120 days to finalize a survey, mail the survey, gather the results, and consult Greg Guernsey and other professional planners to discuss possible modifications to the NCCD.

Karen McGraw contended that Mr. Jahnke, Mr. McCuiston, and Ms. Saarinen's complaints related to procedural issues and not substantive ones. She asked why the neighborhood team and these property owners couldn't simply meet to resolve their issues, modify the NCCD as needed for their properties, and proceed with the approval process.

Nikelle Meade, agent for a property owner, stated that the procedural issue is the substantive issue. She explained the notification is vague and does not describe the specifics of what is being proposed. Also, she stated that property owners should have been notified during the development of the NCCD and asked why this didn't go through the neighborhood planning process.

Glenn Rhoades explained that the plan was adopted in 2000 and the neighborhood-wide rezoning in 2002. At the time the zoning was approved in 2002, NPZD did not have the resources or staff to develop a NCCD for North Hyde Park, but the neighbors could proceed in developing one and come to staff to process the NCCD once it was completed.

Residents asked what the survey was going to ask. After several minutes of discussion, Mr. Jahnke said that he would work with the neighborhood in developing the survey and request that property owners return survey results to the City staff so that could tabulate the findings.

**Commissioner Medlin clarified that amendments to the neighborhood plan are not being discussed. Discussions need to be focused on the details of the NCCD. Anything that requires a plan amendment will be handled through the plan amendment process and should be handled separately from discussions on the NCCD.**

**Commissioner Medlin asked for a motion.**

**Commissioner Galindo stated that some deference should be given to property owners who were not notified of the NCCD development meetings.**

**Adam Smith (NPZD) stated NPZD would mail a meeting notice and summary of the NCCD to every property owner in the Ridgetop area in lieu of conducting a survey. NPZD would facilitate one, possibly two meetings, with the neighborhood team and property owners to discuss the details of the NCCD and resolve any outstanding issues.**

**A motion was made to approve staff's recommendation and to update the committee in 60 days (6/11/05).**

**The motion was approved 3-0.**

March 22, 2005

Dear Austin Planning Commission,

At its last general meeting on March 7, the Hyde Park Neighborhood Association voted overwhelmingly to support the draft NCCD proposal now before you. There were no nays, one abstention, and the rest ayes.

During the past three decades the residents of Hyde Park have invested heavily of their own funds and labor to turn what had been a declining inner city neighborhood into an Austin showplace. The NCCD is one of the strongest tools we have to protect ourselves from incessant pressure for over-development that could easily spoil the residential, old-fashioned quality of the neighborhood.

We ask your help in that effort.

Thank you.

A handwritten signature in black ink, appearing to read "John P. Kerr", with a long, sweeping underline.

John Kerr, President  
Hyde Park Neighborhood Association

51

### PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning. However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
Contact: Glenn Rhoades, (512) 974-2775  
Public Hearing:  
February 28, 2005 Historic Landmark Commission  
March 8, 2005 Planning Commission

I am in favor of the subject.

Your Name (Please Print) ANDY JONES

4900 ROSENA

Your address(es) affected by this application

Andy Jones

Signature

2-24-05

Date

Comments:

THIS IS A GREAT  
WAY TO PRESERVE OUR  
NEIGHBORHOOD AS A REAL  
NEIGHBORHOOD.

NO MD SHOULD BE  
ALLOWED BY THE  
CITY COUNCIL  
Andy

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintx.us/development](http://www.austintx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

GREG CLARK

Your Name (Please Print)

I am in favor  
 I object

607 E. 50th Street

Your address(es) affected by this application

Greg Clark

Signature

3-5-05

Date

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintx.us/development](http://www.austintx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
 Contact: Glenn Rhoades, (512) 974-2775  
 Public Hearing:  
 February 28, 2005 Historic Landmark Commission  
 March 8, 2005 Planning Commission

Your Name (please print)  
 JEN CHANBERLY

Your address(es) reflected by this application  
 4902 AVENUE H

Signature  
 [Handwritten Signature]

Date  
 2/28/05

I am in favor of subject

Comments:

---



---



---



---



---



---



---



---

If you use this form to comment, it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Glenn Rhoades  
 P. O. Box 1088  
 Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintx.us/development](http://www.austintx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
 Contact: Glenn Rhoades, (512) 974-2775  
 Public Hearing:  
 February 28, 2005 Historic Landmark Commission  
 March 8, 2005 Planning Commission

*TRACY CARROLL & MARK WILLS*  
 Your Name (please print)

1001 E. 47th Street Austin 78751

Your address(es) affected by this application

*Tracy Carroll* *Mark Wills*  
 Signature Date 02/24/05

Comments:

---

---

---

---

---

---

---

---

---

---

I am in favor  
 I object

If you use this form to comment, it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Glenn Rhoades  
 P. O. Box 1088  
 Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission



PEPPER M. HEFNER  
Your Name (please print)

8805 BIRNIS AVE, AUSTIN TX

Your address(es) affected by this application

Will Quinn

Signature

23 FEB 05

Date

Comments:

this would be of benefit  
to the values & benefits  
to our great Austin  
Area.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
Contact: Glenn Rhoades, (512) 974-2775  
Public Hearing:  
February 28, 2005 Historic Landmark Commission  
March 8, 2005 Planning Commission

DORIS LAWARD

Your Name (please print)

4808 RED RIVER ST

Your address(es) affected by this application

Doris Laward

Signature

3/2/05  
Date

Comments: The proposed use

will help the present

characteristics of my

neighborhood



If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintx.us/development](http://www.austintx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
Contact: Glenn Rhoades, (512) 974-2775  
Public Hearing:  
February 28, 2005 Historic Landmark Commission  
March 8, 2005 Planning Commission

I am in favor  
 I object

DARRS COLLARD  
Your Name (please print)

4810 RED RIVER ST.  
Your address(es) affected by this application

Darrs Collard 3/1/05  
Signature Date

Comments: This proposal need  
for North Kyle Park will  
help protect the amount  
character of my neighborhood.

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintx.us/development](http://www.austintx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
 Contact: Glenn Rhoades, (512) 974-2775  
 Public Hearing:  
 March 8, 2005 Planning Commission

Your Name (please print) Deborah Volker

Your address(es) affected by this application 4810 Red River St. Austin

Signature Deborah Volker Date 2/2/05

Comments: \_\_\_\_\_



If you use this form to comment, it may be returned to:

City of Austin  
 Neighborhood Planning and Zoning Department  
 Glenn Rhoades  
 P. O. Box 1088  
 Austin, TX 78767-8810



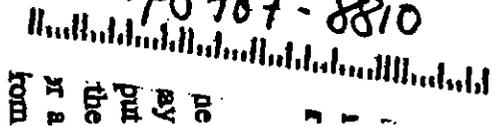


930  
E 11  
55

City of Austin  
Neighborhood Planning & Zoning Dept.  
Glenn Rhoades  
PO Box 1088  
Austin TEXAS

78767/8810

78767-8810



ne ay put the n a  
from  
nt, the  
PLANNING  
obining  
pse uses  
s. As a  
ation of  
a single  
in's land

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
Contact: Glenn Rhoades, (512) 974-2775  
Public Hearing:  
March 8, 2005 Planning Commission

Manique Lee  
Your Name (please print)  In favor  Object

Manique Lee  
Your address(es) affected by this application

510 Ave G 3-2-05  
Signature Date

Comments:  
NO MORE Huge houses on Small city lots!

If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810





Glenn Rhoades

Box 1088

Austin Tx 78767-8810

78767-1088



DN

acted upon at  
ission and the  
agent(s) are  
ired to attend  
nity to speak  
change. You  
organization  
affecting your

may postpone  
late, or may  
public input  
ouncil. If the  
d time for a  
50 days from

at or deny a  
zoning than  
zoning.

oment, the  
OMBINING  
Combining  
those uses  
tricks. As a  
bination of  
in a single

stin's land

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission  
March 8, 2005 Planning Commission

*Chas. Warner May*  
Your Name (please print)

*2500 Lakeside St (4500 Burnett)*  
Your address(es) affected by this application

*Chas Warner May*  
Signature  
*2/28/05*  
Date

Comments:

*Please withdraw it this case to  
include all properties up  
to the railroad track area - that  
area east of Red River so as  
to compete the bridge.*

*Deborah Cynthia Lee*  
City of Austin

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810



Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

<input checked="" type="checkbox"/> I and/or favor
<input type="checkbox"/> I object

JEFFREY J. KOSTREWSKY

Your Name (please print)

Diana Rhoades

4915 AVENUE G

Your address(es) affected by this application

Jeffrey J. Kostrewsky

Signature

2/27/05

Date

Comments:

---

---

---

---

---

---

---

---

---

---

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
 Contact: Glenn Rhoades, (512) 974-2775  
 Public Hearing:  
 March 8, 2005 Planning Commission

Daniel Hoffmann  
 Your Name (please print)

I am in favor  
 I am not in favor

5102 Avenue G  
 Your address(es) affected by this application

Daniel Hoffmann  
 Signature

March 12, 2005  
 Date

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If you use this form to comment, it may be returned to:

City of Austin  
 Neighborhood Planning and Zoning Department  
 Glenn Rhoades  
 P. O. Box 1088  
 Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

Information on the City of Austin's Land Use Commission processes, visit our website:  
[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
 Contact: Glenn Rhoades, (512) 974-2775  
 Public Hearing:  
 March 8, 2005 Planning Commission

*Beverly & Donald P. Tompkins*  
 Your Name (please print)

I am in favor of this subject

*4603 Eilers Ave, Austin, TX 78751*

Your address(es) affected by this application  
*Beverly Tompkins* 3-3-05

*D. P. Tompkins* " " " " " "  
 Signature Date

Comments: *We strongly support SF2 NCED.*

If you use this form to comment, it may be returned to:

City of Austin  
 Neighborhood Planning and Zoning Department  
 Glenn Rhoades  
 P. O. Box 1088  
 Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

David R. CAMPBELL

Your Name (please print)

604 E. 48th St.

Your address(es) affected by this application

David R. Campbell 2/23/05

Signature

Date

Comments: I have followed the efforts of the Hyde Park Neighborhood Association for several years now, and entirely support this plan and the goals behind it. As a long-time owner and resident (16 years), I believe zoning restrictions that preserve the original character of the neighborhood are in my interest and those of people who will live here after me. Assuming we get the NCCD, I hope the City of Austin will actively enforce its provisions.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810



Dear Hyde Park Property Owner,

**THIS IS AN IMPORTANT NOTICE ABOUT CHANGES TO THE CITY OF AUSTIN LAND DEVELOPMENT CODE THAT WILL AFFECT YOUR ABILITY TO EXPAND, REMODEL, AND/OR REBUILD THE STRUCTURE YOU OWN IN THE NORTH HYDE PARK AREA OF AUSTIN, TEXAS.**

You may or may not be aware that the City of Austin is proposing a Neighborhood Conservation Combining District (NCCD) for our neighborhood. While the details are much too complex to go into detail in this letter, I think it is fair to say that the NCCD as proposed will make it much more complicated and time-consuming to remodel or rebuild any existing structures on your property and to construct new structures on your property.

The City of Austin claims that it notified property owners who will be affected by this NCCD by placing letters on their doorsteps, but we are finding that very few property owners have received those notices (in fact, we are not sure any have received them) and that the notices don't explain and most property owners have not been given enough information to truly understand the full extent of this proposal with respect to property development and redevelopment and the negative impact it may have on property. We are sending this notice to you to determine:

- a) whether you have heard of this plan; and
- b) whether you agree with it.

There will be a City of Austin Planning Commission meeting about this issue on Wednesday, April 13<sup>th</sup>, at noon. It is imperative that we receive your written response ASAP, as our failure to generate any interest in this matter will likely be deemed as agreement with it by those who want to put this ordinance in place.

Sincerely,

Dan Day  
Email address: danday@swbell.net  
Phone Number: 476-3344

I own the property at 4623 Red River, and

- Do not agree with the plan
- Have not heard of the plan, or any of the proposed changes in the NCCD
- Have heard of the plan and agree with the changes.

You can fax your responses back to Dan Day 476-1514, or email them to danday@swbell.net. You are also free to contact city staffer Glenn Rhoades at 974-2775, and/or attend the April 13<sup>th</sup> meeting at xxxxx at xxxx o'clock.

David Pruitt  
4623 Red River

Dear Hyde Park Property Owner,

**THIS IS AN IMPORTANT NOTICE ABOUT CHANGES TO THE CITY OF AUSTIN LAND DEVELOPMENT CODE THAT WILL AFFECT YOUR ABILITY TO EXPAND, REMODEL, AND/OR REBUILD THE STRUCTURE YOU OWN IN THE NORTH HYDE PARK AREA OF AUSTIN, TEXAS.**

You may or may not be aware that the City of Austin is proposing a Neighborhood Conservation Combining District (NCCD) for our neighborhood. While the details are much too complex to go into detail in this letter, I think it is fair to say that the NCCD as proposed will make it much more complicated and time-consuming to remodel or rebuild any existing structures on your property and to construct new structures on your property.

The City of Austin claims that it notified property owners who will be affected by this NCCD by placing letters on their doorsteps, but we are finding that very few property owners have received those notices (in fact, we are not sure any have received them) and that the notices don't explain and most property owners have not been given enough information to truly understand the full extent of this proposal with respect to property development and redevelopment and the negative impact it may have on property. We are sending this notice to you to determine:

- a) whether you have heard of this plan; and
- b) whether you agree with it.

There will be a City of Austin Planning Commission meeting about this issue on Wednesday, April 13<sup>th</sup>, at noon. It is imperative that we receive your written response ASAP, as our failure to generate any interest in this matter will likely be deemed as agreement with it by those who want to put this ordinance in place.

Sincerely, *Leslie Gage*

Dan Day  
Email address: danday@swbell.net  
Phone Number: 476-3344

I own the property at 808 East 46, and

- Do not agree with the plan
- Have not heard of the plan, or any of the proposed changes in the NCCD
- Have heard of the plan and agree with the changes.

You can fax your responses back to Dan Day 476-1514 or email them to danday@swbell.net. You are also free to contact city staffer Glenn Rhoades at 974-2775, and/or attend the April 13<sup>th</sup> meeting at ~~xxxxx~~ at ~~xxxx~~ o'clock.

*Leslie Gage*  
*808 East 46th ST*

Date: March 22, 2005

To: Mr. Chris Riley, Chairman, Planning Commission, City of Austin

To: All Members of the Planning Commission, City of Austin

To: Glenn Rhoades, Planning Department, City Of Austin, individually and as representative of the Planning Commission

From: A Neighborhood Committee of Ridgetop Annex Property Owners

Re: Case Number C14-04-0196

***Objection/Opposition To The North Hyde Park Annex NCCD Proposed Ordinance Concerning The Rezoning And Changing Of The Zoning Map ( hereinafter referred to as the "Proposed Rezoning Ordinance") Of Chapter 25-2 Of The City Code As It Pertains To Ridgetop Annex Area ( hereinafter referred to as "Ridgetop")***

***(Ridgetop is that area situated between Duval St. on the West and Red River on the East.)***

### **Executive Summary**

We support the City Council's goal of "achieving appropriate, compatible development with in the area." as defined in (part 1 (G)) of the ordinance that enacted April 13 Hyde Park Neighborhood plan . We also support the Hyde Park Neighborhood Plan Goal to preserve and enhance the unique historic and residential character of the planning areas particularly the unique residential character of Ridgetop Annex.

However, the undersigned property owners oppose the immediate

adoption of the Proposed Rezoning Ordinance as it applies to Ridgetop Annex and respectfully asks that you postpone consideration of it until the numerous citizens' concerns and questions have been answered. (*These questions are listed below*).

The citizens believe that the Proposed Rezoning Ordinance raises certain procedural, planning and legal questions and may not be consistent with the goals of Hyde Park Neighborhood Plan.

The concerned citizens would respectfully ask the Planning Commission to obtain answers from the Planning Department and the City Legal Department to the questions which are posed herein by the concerned citizens - prior to approval or adoption of the Proposed Rezoning Ordinance.

The concerned citizens are not sure whether the Proposed Rezoning Ordinance has received a complete review by Planning Department and by the City Legal Department nor whether the final draft was actually written by the Planning Department or by other citizens. The undersigned seek a better understanding as to what planning principles were used to develop this NCCD and specifically how they apply to Ridgetop Annex. It is believed that the actual final draft of the Proposed Rezoning Ordinance only appeared a few weeks ago on the City of Austin website.

It is believed that Ridgetop property owners may have had less than

**30 business days to review the more complicated and important final draft of the Proposed Rezoning Ordinance.**

**The concerned Ridgetop Annex citizens are hereby respectfully and formally request:**

- a. written opinions/answers from the Planning and Zoning Department and from the Legal Department to the questions listed below,**
- b. Postponement of the approval and/or adoption of the Proposed Rezoning Ordinance until the questions can be answered and then reasonably reviewed by Ridgetop property owners,**
- c. Postponement of the approval and/or adoption of the Proposed Rezoning Ordinance until the undersigned Ridgetop Neighborhood Committee completes a formal written survey of Ridgetop property owners with respect to the final draft of the Proposed Rezoning Ordinance.**

#### **Factual Background**

**1. The Proposed Ordinance Appears To Significantly Diminish The Rights Of Ridgetop Property Owners, to wit: reducing permitted driveway size from present, reducing permissible building height to 30 feet, restricting "on-property" parking, changing certain setbacks and controlling**

the design of the front of buildings, among other things.

## **2. Ridgetop Annex Has A Unique Historic And Residential Character.**

Hyde Park area and Ridgetop Annex do not share the same history or historic building patterns. Hyde Park was developed in 1891, 1892 and 1882 by Monroe Shipley. He designed the 206 acre development in a grid with 400-foot long blocks with alleys. The standard lot was 25 foot wide and 120 to 130 feet deep. Almost all lots faced the Avenues.

W. T. Caswell, starting in 1910, developed Ridgetop Annex. This is the W. T. Caswell that lived in the Caswell House at 15th and West and donated the land for the Caswell Tennis Courts. The Ridgetop Annex blocks are large and almost square blocks at 430 by 360 feet often without many alleys. In Ridgetop Annex the lots are mostly very large with irregular spacing often without clear patterns, spacing or orientation. Many structures are oriented toward the numbered streets. The NCCD rules may be logical for the historic Hyde Park Area but do not appear to preserve or enhance the unique historic and residential character of the Ridgetop Annex area as outlined in the goals for Hyde Park Neighborhood Plan.

## **3. Revitalization and Development.**

The Ridgetop Annex and Hyde Park annex areas (north of 45th) were for 40 years in the flight path of an international airport. The areas became run down and blighted. Once the

airport moved the area began to be revitalized. Property owners began investing in the renovation and replacement of buildings in the area. This revitalization process is not complete. There are still many substandard and unsightly buildings in the area that need to be addressed. The proposed Zoning Ordinance appears to create significant barriers to the redevelopment and reinvigoration of the area. The Proposed Rezoning Ordinance does not appear to promote the City Council goal of achieving appropriate, compatible development with in the (Ridgetop Annex) area.

**4. Existing Conditions Ignored.** Based on surveys it is estimated that approximately 50% of the properties in the Ridgetop Annex would not comply with the proposed NCCD rules. The proposed NCCD rules do reflect existing conditions in Ridgetop Annex.

**5. Hardship For Existing Property Owners:** It appears that the adoption of Proposed Rezoning Ordinance may make it difficult, if not impossible, for approximately 50% of the properties in the Ridgetop Annex to build an addition on to their properties. These rules will create economic hardship for property owners and hinder the reinvigoration of the area.

**6. The Proposal As Counter Productive.** It appears that Proposed Zoning Ordinance and the NCCD rules may not in fact preserve and enhance the Ridgetop Annex area. Proposed Zoning Ordinance may in fact prevent

property owners from replicating existing and historic buildings in the area.

**7. Affordable Housing For Teachers And Fireman.** Further, it appears that there are 30 plus duplexes in the area (or about 15% of the structures East of Duval) and it appears that the Proposed Zoning Ordinance may effectively prevent the construction of new duplexes and may effectively prevent the subdivision and redevelopment of existing duplexes into affordable housing for teachers, firemen, and others.

**8. Study of Actual Effect.** It should be studied to determine whether there may be a diminution or taking of more than 25% of the future value of a citizen's private property. When viewed in the aggregate, the net effect of the proposed regulations may be unduly restrictive and may not be consistent with the goals of Hyde Park Neighborhood Plan.

**Questions Concerning The Proposed Rezoning Ordinance -  
Procedural, Planning, and Legal Questions**

- 1. Adequate Notice.** Was the notice regarding this Proposed Rezoning Ordinance sufficient and adequate, in duration and substance, to give proper notice to citizens that the proposal is a restrictive downzoning which materially affects their property rights?
- 2. Adequate Neighborhood Consensus.** Has a survey ever been commissioned of Ridgetop property owners?

**3. Different Historical Background.** Does the Ridgetop Annex have the same history as the historic Hyde Park area? Does Ridgetop Annex have the same block, lot or building orientation patterns as historic Hyde Park.

Should the NCCD rules that work for historic Hyde Park apply to Ridgetop Annex area?

**4. Ridgetop Neighborhood Association.** Should the Ridgetop owners should be allowed time now to create their own Neighborhood Association, separate from Hyde Park?

**5. The Ridgetop Annex Area Has A Unique History And Architectural Character.** It is not the same history or character as the historic Hyde Park area. The proposed NCCD rules may preserve and enhance the historic Hyde Park area but imposing of a variation of these rules on the Ridgetop annex may not enhance or preserve its unique history or residential character. Is imposing these rules on Ridgetop Annex area in this manner consistent with the City Council goals and the Neighborhood Plan for this area?

**6. Texas Open Meetings Act.** Is Proposed Rezoning Ordinance and the procedure used for its creation in compliance with the requirements of the Texas Open Meetings Act (see, *Texas Open Meetings Act, Section 551.001 et. seq., Texas Government Code*) and other City of Austin policies? Do the processes used in creating the Proposed Rezoning Ordinance comply with

substantive and procedural due process? It is representative of Ridgetop property owners and the Ridgetop community?

**7. State and Federal Constitutional Issues.** Has an analysis been made as to whether there may be "taking, destroying, or damaging" of a person's property without adequate compensation under Article One, Section Seventeen of the Texas Constitution or Fifth and Fourteenth Amendments of the United States Constitution? Does the magnitude of the downzoning in the aggregate diminish and damage the value of Ridgetop citizens' property?

**8. Arbitrary Nature in Light of Differences in Historical Background.** Has there been a study made to determine if the Proposed Rezoning Ordinance satisfy the "arbitrary, capricious and discriminatory" and "equal protection" tests inasmuch as Ridgetop property owners are downzoned and rights diminished but other Austin citizens outside of the NCCD are not made subject to the same ordinance?

**9. Vested Rights Issue.** Has a review been made as to whether the Proposed Rezoning Ordinance interferes with the vested rights of Ridgetop owners who purchased their property with the reasonable expectation that it could be used for reasonable development under prevailing ordinances?

**10. Texas Private Real Property Rights Preservation Act.** Has it been determined whether *Section 2007.001 ET seq of the Texas Government*

*Code as amended, the Texas Private Real Property Rights Preservation Act*  
**has application?**

### **Conclusion**

**We support the Hyde Park Neighborhood Plan Goal to Preserve and enhance the unique historic and residential character of the planning areas particularly the unique residential character of Ridgetop Annex. We support the City Council's goal of "achieving appropriate, compatible development within the area." as defined in (part 1 (G)) of the ordinance that enacted April 13 Hyde Park Neighborhood plan. We agree that we need to address the issues of negative development in the area.**

**The answer does not appear to one which imposes rules on Ridgetop Annex that do not preserve or enhance the neighborhood without the real consensus of Ridgetop property owners.**

**At this time the undersigned property owners have no choice other than to object to and oppose the immediate adoption of the Proposed Rezoning Ordinance as it applies to Ridgetop Annex.**

**The undersigned respectfully ask that you postpone consideration of it until the outlined concerns and questions have been answered.**

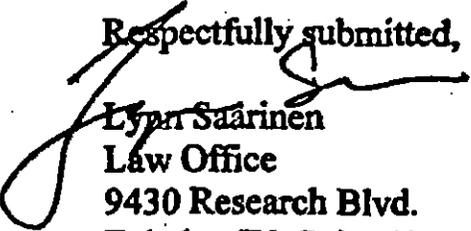
**It is believed that Ridgetop property owners may have had less than 30**

business days to review the more complicated and important final draft of the Proposed Rezoning Ordinance.

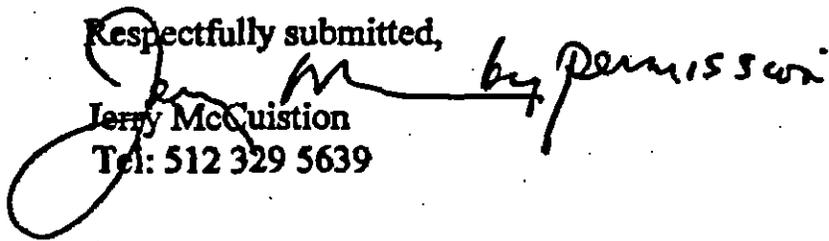
The concerned Ridgetop Annex citizens hereby respectfully and formally request:

- a. written opinions/answers from the Planning and Zoning Department and from the Legal Department to the questions listed,
- b. Postponement of the approval and/or adoption of the Proposed Rezoning Ordinance until the questions can be answered and then reasonably reviewed by Ridgetop property owners,
- c. Postponement of the approval and/or adoption of the Proposed Rezoning Ordinance until the undersigned Ridgetop Neighborhood Committee completes a formal written survey of Ridgetop property owners with respect to the final draft of the Proposed Rezoning Ordinance.

Respectfully submitted,

  
Lynn Saarinen  
Law Office  
9430 Research Blvd.  
Echelon IV, Suite 400  
Austin, Texas 78759  
Tel: 866 655 6360

Respectfully submitted,

  
Jerry McQuiston  
Tel: 512 329 5639

by permission

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
Contact: Glenn Rhoades, (512) 974-2775  
Public Hearing:  
February 28, 2005 Historic Landmark Commission  
March 8, 2005 Planning Commission

I am in favor  
 I object

RAYMOND RESCHKE  
Your Name (please print)

604 East 49th

Your address(es) affected by this application

Raymond Reschke

Signature

2-28-05  
Date

Comments:

There is no need to change the zoning - most real houses on 49th street are not houses - very few have owners living in the houses. In this I want to sell my house without restrictive conditions as to how it may be used. I object to any zoning changes.

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

(OVER)

**PUBLIC HEARING INFORMATION**

This rezoning request will be reviewed and acted upon at two public hearings before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.austintexas.tx.us/development](http://www.austintexas.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: CA-04-0196  
 Contact: Glenn Rhoades, (512) 974-2775  
 Public Hearing:  
February 28, 2005 Historic Landmark Commission  
March 8, 2005 Planning Commission

I am in Favor  
 I am in Opposition

Michael S. Powers  
 Your Name (please print)

301 E. 46th St. Lot 1 Bldg 2 OIT II, DIVC  
 Your address(es) affected by this application Ridge-top Annex

Mike Powers 3-7-05  
 Signature Date

Comments: I am opposed to any rezoning of my property, and to any zoning changes in the North Hyde Park NCD Plan. I believe the proposed plan will not be advantageous to the area as a whole, but will only help a select few. I also am in favor of postponing the Planning Commission meeting on March 8, 2005, until this plan can be studied further, and all of the affected property owners can be better informed as to its effect on their properties.

If you use this form to comment, it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Glenn Rhoades  
 P. O. Box 1088  
 Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

Your Name (please print)

James Enelavick Kertz

I am in favor of this project

5012 Ave H

Your address(es) affected by this application

[Signature] 06/11/05

Signature

Date

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

## ING INFORMATION

will be reviewed and acted upon at the Land Use Commission and the applicants and/or their agent(s) are attending, you are not required to attend. You do have the opportunity to speak on development or change. You need not be a resident or an environmental organization in an application affecting your

board or commission may postpone a hearing to a later date, or may recommend a zoning change and public input to the City Council. If there is a specific date and time for a hearing that is not later than 60 days from the notice is required.

City Council may grant or deny an application and to a less intensive zoning than what is requested or grant a more intensive zoning.

for mixed use development, the City Council may grant a zoning district that combines residential and commercial uses in addition to those uses in commercial zoning districts. As a zoning district allows the combination of residential uses within a single

on the City of Austin's land use website: [www.austintx.us/development](http://www.austintx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

I am in favor  
 I object

James Frederick Korth

Your Name (please print)

5012 Ave H

Your address(es) affected by this application

[Signature]

Signature

6 MAR 05

Date

Comments:

Please note my new school address  
temp:

459 E. Olmes Dr.

San Antonio, TX

78202

If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

Your Name (please print) Ronald & Jean Williams

I am the owner  
 I am the subject

Your address(es) affected by this application 4501 Ave B + 4503 Ave B

Signature Ronald Williams Date 3/7/05

Comments:

4502 Ave A Change from GR to MF-4?  
Too many people living in this area  
already. Need more stores.  
It is parking at night has for weeks.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810



Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
Contact: Glenn Rhodes, (512) 974-2775  
Public Hearing:  
February 28, 2005 Historic Landmark Commission  
March 8, 2005 Planning Commission

I am in favor of the subject  
 I am opposed to the subject

RAYMOND RASCHKE  
Your Name (please print)

604 East 49th

Your address(es) affected by this application

Raymond Raschke

Signature

2-28-05

Date

Comments:

There is no need to change the zoning - most all houses on 49th street are now houses - very few have owners living in the houses. I don't want to sell my house & without assistive facilities I'd prefer to buy zoning changes.

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhodes  
P. O. Box 1088  
Austin, TX 78767-8810

(OVER)

**PUBLIC HEARING INFORMATION**

is zoning/rezoning request will be reviewed and acted upon at a public hearing. Before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone continuing an application's hearing to a later date, or may substitute the City staff's recommendation and public input regarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the council may add the MIXED USE (MU) COMBINING TRACT to certain commercial districts. The MU Combining tract simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:  
[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
 Contact: Glenn Rhoades, (512) 974-2775  
 Public Hearing:  
 February 28, 2005 Historic Landmark Commission  
 March 8, 2005 Planning Commission



Your Name (please print) Brenda W. Spicer  
4705 Eilers Ave

Your address(es) affected by this application

[Signature] 3.8.05  
 Signature Date

Comments:

---

---

---

---

---

---

---

---

---

---

If you use this form to comment, it may be returned to:  
 City of Austin  
 Neighborhood Planning and Zoning Department  
 Glenn Rhoades  
 P. O. Box 1088  
 Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintx.us/development](http://www.austintx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
 Contact: Glenn Rhoades, (512) 974-2775  
 Public Hearing:  
 February 28, 2005 Historic Landmark Commission  
 March 8, 2005 Planning Commission

Daniel A. Day

Your Name (please print)

808 810 812 East 46th St.

Your address(es) affected by this application

[Signature]

Signature

3/4/05

Date

Comments:

I am opposed to any type of zoning that will restrict my ability to design and build or remodel my property in a manner or style of my choice (current development restrictions are satisfactory). I want my property excluded from the NCCD zoning overlay.

I am in favor  
 I object

If you use this form to comment, it may be returned to:

City of Austin  
 Neighborhood Planning and Zoning Department  
 Glenn Rhoades  
 P. O. Box 1088  
 Austin, TX 78767-8810

**ING INFORMATION**

will be reviewed and acted upon at the Land Use Commission and the applicants and/or their agent(s) are attending, you are not required to attend. You do have the opportunity to speak on development or change. You are not required to be a local or environmental organization in an application affecting your

board or commission may postpone a public hearing to a later date, or may recommend a less intensive zoning than the zoning currently in effect. If there is a specific date and time for a public hearing, that date is not later than 60 days from the date of the notice is required.

City Council may grant or deny a zoning application and to a less intensive zoning than the zoning currently in effect.

for mixed use development, the MU Combining Districts. The MU Combining Districts allow commercial zoning districts. As a zoning district allows the combination of residential uses within a single

on the City of Austin's land use website: [www.austintexas.gov/development](http://www.austintexas.gov/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196  
Contact: Glenn Rhoades, (512) 974-2775  
Public Hearing:  
March 8, 2005 Planning Commission

Randy Fein  
Your Name (please print)

In Favor  
 Object

4503 Speedway  
Your address(es) affected by this application

Randy Fein  
Signature

Date

Comments:  
I believe this to be a "taking" of development rights.

If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-21  
AGENDA DATE: Thu 04/28/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0197 - Buckner - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11833 Buckner Road (Lake Travis Watershed) from development reserve (DR) district zoning to family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant single family standard lot (SF-2) district zoning. Applicant and Agent: Patricia King Sigg. City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning **DIRECTOR'S**  
**DEPARTMENT:** and Zoning **AUTHORIZATION:** Greg Guernsey

---

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0197

**Z.A.P. DATE:** January 4, 2005  
January 18, 2005  
February 1, 2005  
March 1, 2005  
March 15, 2005  
March 29, 2005

**ADDRESS:** 11833 Buckner Road

**C.C. DATE:** April 21, 2005

**OWNER/AGENT:** Patricia King Sigg

**ZONING FROM:** DR

**TO:** CS  
Amended to SF-3 on  
January 3, 2005

**AREA:** 1.33 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change to family residence (SF-3) district zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

January 4, 2005 – Postponed at the request of staff to January 18, 2005 (Vote: 9-0).

January 18, 2005 – Approved family residence (SF-3) district zoning by consent (Vote: 7-0, M. Whaley-Hawthorn and J. Martinez – absent).

February 1, 2005 – The case was brought back at the request of Commission to rescind and reconsider the action to approve. Staff re-notified for the March 1, 2005 hearing.

March 1, 2005 – The case was postponed by Commission until the March 15, 2005 hearing. Staff has sent another notice.

March 15, 2005 – Due to a posting error all cases for the March 22, 2005 hearing were postponed and had new notification.

March 29, 2005 – Approved single family residence standard lot (SF-2) district zoning (Vote: 9-0).

**ISSUES:**

The applicant does not agree with the Commission's recommendation.

This case was considered at the January 18, 2005 Commission hearing and was approved by consent. However, there were interested parties at the hearing who arrived late due to the change in venue. Commission has requested that the case be brought back to rescind and reconsider the case at the February 1, 2005 hearing.

The property owner originally requested general commercial services (CS) district zoning in order to develop the property with a restaurant. Staff could not recommend CS or any other commercial zoning. After speaking in with applicant on January 3, 2005, they agreed to amend the request to SF-3.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	DR	Undeveloped
<i>North</i>	DR	Single Family
<i>South</i>	County	Sporting Equipment
<i>East</i>	DR	Single Family
<i>West</i>	DR	Single Family

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Lake Travis

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#275 – Volente Neighborhood Association

#654 – The Parke HOA

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-02-0154	SF-2 and DR to CS	Approved W/LO-CO. The CO limits trips to 2,000 per day, provide vegetative buffers along the southern and eastern property lines, prohibit access on western property line, only 2 access points on southern property line, restrict semi-trucks over 3 axles (Vote: 7-1, J. Pinelli – nay).	Approved GR-CO for first 700 feet from RM 620 and RR for the remainder of the property on 1 <sup>st</sup> reading (3/25/03) and 2 <sup>nd</sup> reading on (3/20/04). It will go back for 3 <sup>rd</sup> on 1/28/05. The vote was 7-0.

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Bus Route</b>
Buckner Rd	45'	24'	Local	No	No	No

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1st

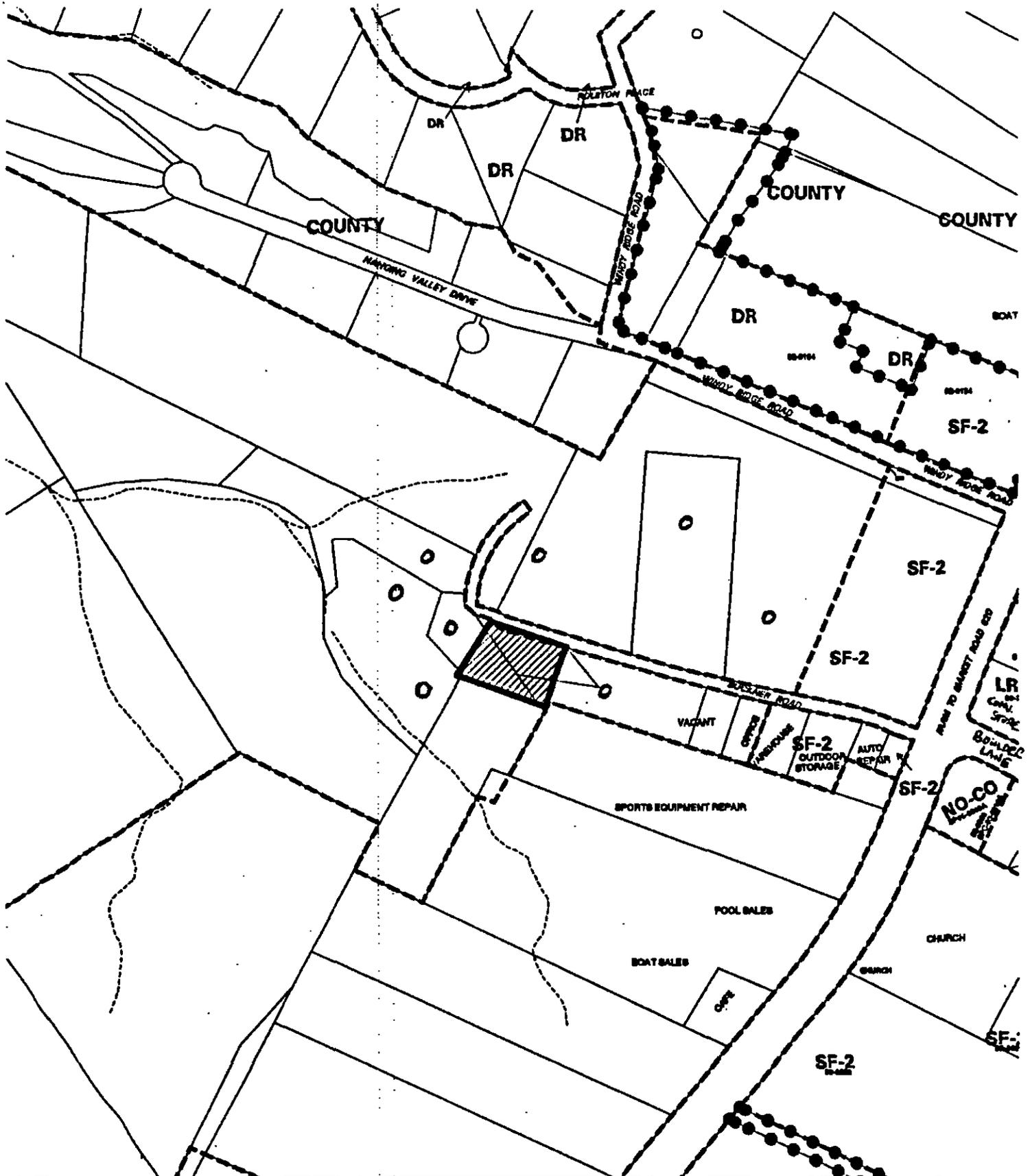
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b> CASE #: C14-04-0197 ADDRESS: 11833 BUCKNER RD SUBJECT AREA (acres): 1.330	DATE: 04-12 INTLS: SM	<b>CITY GRID REFERENCE NUMBER</b> D37
	<b>PENDING CASE</b> 			
<b>ZONING BOUNDARY</b> 				
CASE MGR: G. RHOADES				



# City of Austin

Case C14-04-0197

Subdivision  
Base  
Center Line



This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from Watershed Protection & Development Review, City of Austin.

## **STAFF RECOMMENDATION**

Staff recommends the proposed change to family residence (SF-3) district zoning.

## **BASIS FOR RECOMMENDATION**

*The proposed zoning should be consistent with the purpose statement of the district sought.*

SF-3 – Family residence district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots.

The proposed change meets the purpose statement set forth in the Land Development Code. The property is an area where there are other single family homes and would be compatible with what is existing in the immediate vicinity.

*The proposed zoning should promote consistency, and orderly planning.*

Buckner Road has a mixture of uses, from single-family, office, warehousing, storage, auto repair and what appears to be auto salvage at the end of the road. It is because of the mixture of uses on this road that staff recommended SF-3 instead of SF-2. It is not a predominantly single-family area and the option for a mixture of housing would be desirable at this location

*The proposed zoning should allow for a reasonable use of the property.*

Given the mixed character of the area, staff believes that the proposed change to SF-3 is a fair and reasonable use of the site.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently undeveloped.

### **Transportation**

Additional ROW for Buckner Road will be required at the time of subdivision or site plan submittal.

The trip generation under the requested zoning is estimated to be 7,473 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117] (The applicant has amended the application to SF-3 and the traffic count will need to be amended).

### **Impervious Cover**

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Lake Travis Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by

Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

### Environmental

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

### Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

### **Water and Wastewater**

There is no City water and wastewater main at the site. The landowner must provide written evidence that the site has an approved water supply and sufficient means of wastewater disposal adequate for the land use.

### **Compatibility Standards**

It appears from aerial photos that there is some existing single-family residential development to the west of this site. If that is the case, then the following Compatibility Development Regulations will apply along the western property line:

- No structure may be built within 25 feet of the property line.
  - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

**C I T Y Z O N I N G A N D P L A T T I N G  
C O M M I S S I O N  
March 29, 2005 [ANNOTATED]  
CITY COUNCIL CHAMBERS AT CITY HALL  
301 W. 2<sup>ND</sup> Street  
1<sup>st</sup> Floor**

**CALL TO ORDER – 6:00 P.M.**

**COMMENCED: 6:08 P.M.**

**ADJOURNED: 6:40 P.M.**

- \_\_\_\_ Betty Baker - Chair
- \_\_\_\_ John Philip Donisi
- \_\_\_\_ Jay Gohil
- \_\_\_\_ Clarke Hammond - Secretary

- \_\_\_\_ Melissa Whaley Hawthorne- Assist. Sec.
- \_\_\_\_ Keith Jackson - Parliamentarian
- \_\_\_\_ Joseph Martinez – Vice-Chair
- \_\_\_\_ Janis Pinnelli
- \_\_\_\_ Teresa Rabago

**CONDUCT OF PUBLIC HEARINGS**

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

**CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK).**

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

**A. REGULAR AGENDA**

**EXECUTIVE SESSION (No public discussion)**

The Zoning & Platting Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Zoning & Platting Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

**CITIZEN COMMUNICATION:**

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

***NO SPEAKERS.***

**APPROVAL OF MINUTES**

2. Approval of minutes from March 1, 2005.

***APPROVED MINUTES BY CONSENT.***

***[J.M; J.G 2<sup>ND</sup>] (9-0)***

**DISCUSSION AND ACTION ON ZONING CASES**

- |                     |  |
|---------------------|--|
| <b>3. Zoning:</b>   | <b>C14-04-0197 - Buckner</b>   |
| Location:           | 11833 Buckner Road, Lake Travis Watershed  |
| Owner/Applicant:    | Patricia King Sigg   |
| Prev. Postponements | Postponed on 01/04/05 to 1/18/05 (by staff); Approved SF-3 on 1/18/05; Approved to rescind & reconsider on 02/01/05 (by ZAP); Postponed on 03/01/05 to 03/15/05 (ZAP); rescheduled from 3/15/05 to 3/29/05 (staff) |
| Request:            | <b>DR to SF-3</b>  |
| Staff Rec.:         | <b>RECOMMENDED</b>   |
| Staff:              | Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us<br>Neighborhood Planning and Zoning Department  |

***APPROVED SF-2 ZONING.***

***[K.J; T.R 2<sup>ND</sup>] (9-0)***